

Remarks

Claims 1-21 remain in the application. Claim 19 is amended hereby. No new matter is being added.

Claim Objection

Claim 19 is objected to due to an informality relating to antecedent basis. Claim 19 is hereby amended in accordance with the Examiner's recommendation. Hence, applicants respectfully submit that this objection is now overcome.

Claim Rejections--Section 103

Claims 1-4 and 7-20

Claims 1-4 and 7-20 stand rejected under 35 USC 103(a) as being unpatentable over Soloway et al. (US 2003/0165137, hereinafter "Soloway") in view of Chiu et al. (US 2002/1086658, hereinafter "Chiu"). Applicants respectfully traverse this rejection.

Claim 1 recites as follows.

1. A method of handling oversubscribed ports between switches, the method comprising:
 - detecting an oversubscribed port at a detecting switch;
 - selecting a set of paths exiting at the oversubscribed port for retagging;**
 - invalidating tags for the set of paths;
 - receiving packets with the invalidated tags; and
 - retagging the received packets with a tag associated with a detour path.**

(Emphasis added.)

As seen above, claim 1 recites various claim elements, including: “**selecting a set of paths exiting at the oversubscribed port for retagging; ... and retagging the received packets with a tag associated with a detour path.” (Emphasis added.) Each of these elements refer to tags or retagging.**

First, the office action asserts that Soloway teaches the claim element of “selecting a set of paths exiting at the oversubscribed ports **for retagging**” (emphasis added). In particular, the office action cites to paragraphs 40-42 of Soloway in relation to this claim element. However, applicants respectfully submit that “selecting a set of paths ... for retagging” is not taught in this citation. In fact, **no mention of retagging is to be found in paragraphs 40-42 of Soloway.** If this rejection is maintained, applicants respectfully request that the Examiner point out where retagging is disclosed in the citation.

Second, the office action asserts that Soloway teaches the claim element of “**retagging** the received packets with a tag associated with a detour path.” (Emphasis added.) In particular, the office action cites to paragraphs 34 and 40 of Soloway in relation to this claim element. However, applicants respectfully submit that “selecting a set of paths ... for retagging” is not taught in this citation. In fact, **no mention of retagging is to be found in paragraphs 34 and 40 of Soloway.** If this rejection is maintained, applicants respectfully request that the Examiner point out where retagging is disclosed in the citation.

Chiu is cited in relation to different claim elements. Hence, the citation to Chiu does not cure the deficiencies discussed above in regards to Soloway.

Claims 2-4 and 7-11 depend from claim 1. Therefore, claims 2-11 overcome this rejection for at least the reasons discussed above in relation to claim 1.

Independent claim 12 recites elements similar to those discussed above in relation to claim 1. In particular, claim 12 recites that “the switch controller is configured using procedures stored in memory to ... (b) select a set of paths exiting at the oversubscribed port **for retagging**, ... and (e) **retag** the received packets with a tag associated with a detour path.” (Emphasis added.) Therefore, claim 12 also overcomes its rejection for at least the reasons discussed above in relation to claim 1.

Claims 13-20 depend from claim 12. Therefore, claims 13-20 overcome their rejection for at least the same reasons as discussed above in relation to claim 12.

Claims 5-6 and 21

Claims 5-6 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Soloway in view of Chiu as applied to claims 3 and 20, and further in view of Vasseur (US 2005/0117512). Applicants respectfully traverse this rejection.

Claims 5-6 depend from claim 1. Therefore, claims 5-6 are patentable over Soloway in view of Chiu for at least the reasons discussed above in relation to claim 1. Vasseur also does not cure the deficiencies discussed above in relation to Soloway. Thus, claims 5-6 overcome this rejection.

Claim 21 depends from claim 12. Therefore, claim 21 is patentable over Soloway in view of Chiu for at least the reasons discussed above in relation to claim 12. Vasseur also does not cure the deficiencies discussed above in relation to Soloway. Thus, claim 12 overcomes this rejection.

Conclusion

For the above-discussed reasons, applicant believes that the objection and rejections in the office action are now overcome. Favorable action is respectfully requested.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 08-2025 (Hewlett Packard).

Respectfully Submitted,

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